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OFFICE OF PETITIONS

In re Application of
Duane Hill et al.
Application No. 10/735,528
Filed: December 12, 2003
Attorney Docket No. 12710.0017

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: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)
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This is in response to the petition filed August 30, 2004 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on December 12, 2003, naming Duane Hill, Ray Walker, Dan Breene, Jack Sanders-Reed and Bob Van Allen as joint inventors but without a signed declaration. Accordingly, on March 25, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, on August 30, 2004, an oath or declaration executed by joint inventors Hill, Walker and Breene and a petition under 37 CFR 1.47(a) was filed. The petition argues that joint inventors Sanders-Reed and Van Allen refuse to sign the oath or declaration and thus by their actions, to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

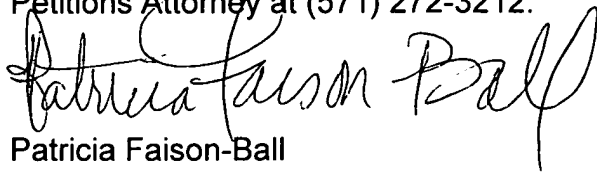
The petition bears proof that the application papers were sent to both Mr. Sanders-Reed and Mr. Van Allen and that neither has returned an executed oath or declaration. Further, the petitioners have shown that they have followed up with each of the non-signing inventors and that again, even in spite of messages from Mr. Sanders-Reed and Mr. Van Allen indicating their intentions to execute and return the documents, they have failed to do so.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center 3661 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, appearing to read "Patricia Faison-Ball". The signature is fluid and cursive, with the first name "Patricia" being more prominent than the last name.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions